

FILED

August 18 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

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Luz E. Rodriguez

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CLERK OF THE SUPREME COURT  
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. DA-10-0286

\* \* \* \* \*

S.M. LALANI and CAROL LALANI, )  
 )  
Plaintiffs/Appellants, )  
 )  
vs. )  
GRANDVIEW HEIGHTS, INC., GEORGE E. )  
COOK, ALICE M. COOK, JOHN MAE LANE )  
HOMEOWNERS ASSOCIATION, NORTH RIDGE )  
RANCH HOMEOWNERS ASSOCIATION, )  
SADDLE RIDGE ESTATES, a Montana )  
Limited Partnership, MICHAEL S. )  
HUEMPFNER, CYNTHIA HUEMPFNER, )  
ROBERT UHLMANN, SALLY UHLMANN, )  
W.B. FREEBURG TRUSTEE of the BRAD )  
FREEBURG FAMILY LIVING TRUST, MARK )  
D. JOHNSON, LAURIE J. JOHNSON, )  
CONNIE J. KIRKLAND, KRIS A. )  
KIRKLAND, MICHAEL A. LAYMAN, )  
FAITH L. QUIGLEY, ALAN R. KAHN, )  
JEAN G. KAHN, RAYMOND D. STROTHER, )  
SANDRA P. STROTHER, LOUIS R. SPAIN, )

**APPELLANTS' COMBINED  
MOTION AND BRIEF FOR  
ONE EXTENSION OF THIRTY  
DAYS TO FILE THEIR  
APPELLANTS' BRIEF**

CHARLINE R. SPAIN, DAVID M. MADDEN, )  
DELORES A. MADDEN, JOHN )  
MORNINGSTAR, LESLIE MORNINGSTAR, )  
ARTHUR M. BARBICHE, MARY K. )  
BARBICHE, PETER J. RIEKE, SALLY )  
RIEKE MAISON, MARTHA SMITH COLLETT, )  
STEWART W. ROBINSON, MARVIN D. )  
MORGENSTEIN, ANN VAN BALEN, )  
KENNETH LeCLAIR, RICHARD J. )  
SCHONBERGER, NANCY L. SCHONBERGER, )  
GENE COOK, and JOHN DOES 1, 2, 3, )  
and 4, )

Defendants/Appellees, )

and )

SADDLE RIDGE HOMEOWNERS )  
ASSOCIATION, INC., )

Cross-Claim Defendants. )

and )

MICHAEL S. and CYNTHIA HUEMPFNER, )  
ROBERT and SALLY UHLMANN, STUART )  
TILT, CONNIE J. and KRIS A. )  
KIRKLAND, DAVID M. and DELORES A. )  
MADDEN, ALAN R. and JEAN G. KAHN, )  
and W.B. FREEBURG TRUSTEE of the )  
BRAD FREEBURG FAMILY LIVING TRUST, )  
RAYMOND D. and SANDRA P. STROTHER, )  
MARK D. and LAURIE J. JOHNSON, )  
LOUIS R. and CHARLINE R. SPAIN, )  
(North Ridge Lot Owners), )

ARTHUR M. BARBICHE, MARY K. )  
BARBICHE, PETER J. RIEKE, SALLY )  
RIEKE MAISON, MARTHA SMITH COLLETT, )  
STEWART W. ROBINSON, MARVIN D. )  
MORGENSTEIN, ANN VAN BALEN, )  
(John May Lane Lot Owners), )

)  
 Third Party Plaintiffs, )  
 )  
 vs. )  
 )  
 MARY S. McGEE, DAVID M. and )  
 KODY L. LYONS, THOMAS R. and )  
 LESLIE PETERSON, OP CENTER )  
 ENTERPRISES, LLC, ROGER N. FLAIR, )  
 ORVILLE HUNGERFORD MANN, III, and )  
 TERESA PATTON MANN, RICHARD )  
 BELGRAD, M.D., and CAROLYN POWERS )  
 BELGRAD, DANIEL R. and NANCY N. )  
 JOCHEM, DONALD and CYNTHIA Z. )  
 DEBETHIZY, MICHAEL E. and REBECCA )  
 L. NICKLIN, DAVID M. and SERENE O. )  
 KLUMPAR, DANIEL M. and PAMELA J. )  
 GANNON, STEPHEN R. STITH and )  
 GEORGIA M. STITH as Trustee for )  
 the STEPHEN R. STITH and GEORGIA )  
 M. STITH FAMILY TRUST, KEITH E. )  
 and DEBORAH L. DUNEMAN, LUZ E. )  
 RODRIGUEZ (Appellant), DUNCAN T. )  
 PATTEN as Trustee of the DUNCAN T. )  
 PATTEN REVOCABLE LIVING TRUST, )  
 EVA C. PATTEN as Trustee of the )  
 EVA C. PATTEN REVOCABLE LIVING )  
 TRUST, SALIM and CAROL LALANI, )  
 GENE E. COOK, KENNETH J. LeCLAIR, )  
 RICHARD J. and NANCY L. SCHONBERGER) )  
 )  
 AND ALL OTHER PERSONS OR ENTITIES, )  
 UNKNOWN, CLAIMING OR WHO MIGHT )  
 CLAIM ANY RIGHT, TITLE, ESTATE OR )  
 INTEREST IN, OR ENCUMBRANCE UPON, )  
 THE EASEMENT DESCRIBED IN THE )  
 COMPLAINT AS TO TROOPER TRAIL, OR )  
 WHO CLAIM AN INTEREST ADVERSE TO )  
 THIRD PARTY PLAINTIFFS' EASEMENT )  
 OR ANY CLOUD UPON THIRD PARTY )  
 PLAINTIFFS' EASEMENT, WHETHER SUCH )  
 CLAIM OR POSSIBLE CLAIM BE PRESENT )  
 OR CONTINGENT, AND ALL OTHER )

PERSONS OR ENTITLES, KNOWN OR )  
 UNKNOWN, )  
 )  
     Third Party Defendants. )  
 )  
 MARY S. MCGEE, DAVID M. AND KODY )  
 L. LYONS, OP CENTER ENTERPRISES, )  
 LLC, ROGER N. FAIR, DANIEL M. AND )  
 PAMELA J. GANNON, STEPHEN R. SMITH )  
 AND GEORGIA M. STITH AS TRUSTEES )  
 FOR THE STEPHEN R. STITH AND )  
 GEORGIA M. STITH FAMILY LIVING )  
 TRUST, KEITH E. AND DEBORAH L. )  
 DUNEMAN, DUNCAN T. PATTEN AS )  
 TRUSTEE OF THE DUNCAN T. PATTEN )  
 REVOCABLE LIVING TRUST, AND EVA )  
 C. PATTEN AS TRUSTEE OF THE EVA )  
 C. PATTEN REVOCABLE LIVING TRUST, )  
 )  
     Third Party Cross-Claim )  
     Plaintiffs, )  
 )  
 v. )  
 )  
 LUZ E. RODRIGUEZ, AND SALIM AND )  
 CAROL LALANI, )  
 )  
     Third Party Cross-Claim )  
     Defendants. )  
 )  
 \_\_\_\_\_ )

COMES NOW the Appellants and moves this Court for an Order  
 allowing them one extension of an additional 30 days within which  
 to file their Appellants' brief. Presently, the Appellants' brief  
 is now due in the Clerk of Court's office on the August 21, 2010.  
 Appellants request an additional 30 days or until September 20,  
 2010 to file their Appellants' brief.

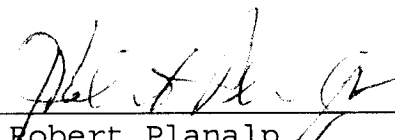
Although Appellants' counsel has been diligent in working on the brief, there are significant major issues that continue to require research and an additional 30 days is needed to complete the research and the Appellants' brief.

Counsel for Appellees have been contacted and do not oppose this motion. A proposed Order together with sufficient copies for service upon all parties as well as stamped envelopes addressed to all parties who have not registered electronically with this Court are enclosed.

DATED this 17 day of August, 2010.

LANDOE, BROWN, PLANALP,  
& REIDA, P.C.

By

  
\_\_\_\_\_  
J. Robert Planalp  
Attorney for Appellants  
S.M. Lalani, Carol Lalani and  
Luz E. Rodriguez

**CERTIFICATE OF SERVICE**

I hereby certify that I have filed a true and accurate copy of the foregoing with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing with each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

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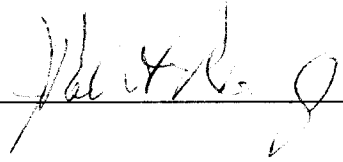
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DATED this 17 day of August, 2010

By: \_\_\_\_\_

A handwritten signature in dark ink, appearing to read "Gregory G. Schultz", is written over a horizontal line.